

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

I, Michael Thomas, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is in support of a criminal complaint against Mikal Keller for violations of Title 18, United States Code, Section 545, Importation of unregistered firearms into the United States, contrary to law; Title 18, United States Code, Section 542, entry of goods by means of false statements; Title 18 United States Code, Section 922(a)(1)(A), importing unauthorized firearms; and Title 18 United States Code, Section 922 (g) prohibited person in possession of a firearm.

2. Your Affiant has been employed by Homeland Security Investigations (HSI) and its legacy agencies since 2002, assigned to the Chicago, Illinois office for approximately eight years and the Cleveland, Ohio office for approximately eleven years. Your Affiant is currently assigned to the HSI Cleveland Border Enforcement Security Group which is responsible for the High Intensity Drug Trafficking Area (HIDTA) Parcel Interdiction Team.

3. As a Special Agent of HSI, your Affiant received basic training at the Federal Law Enforcement Training Center, in Glynco, Georgia. Your Affiant has received field training and accrued practical experience in advanced drug-related investigative techniques which include, but are not limited to, surveillance, undercover operations, interview and interrogation techniques, informant recruitment and control, search warrant and case preparation, and interception and analysis of recorded conversations including the participation in Title III wiretap investigations. Your Affiant has been involved in controlled undercover purchases of drug evidence and arrests of defendants charged with drug-related crimes. Your Affiant has

supervised the activities of informants who have provided information concerning contraband and organized criminal activities, and supervised consensual monitoring in connection with these investigations.

4. Your Affiant has received training and has conducted and/or assisted in investigations involving the violation of laws pertaining to commercial fraud, immigration, cultural property, intellectual property rights (IPR), child exploitation, money laundering, and narcotics. I am currently responsible for the investigation of violations of federal laws within the purview of United States Immigration and Custom Enforcement (ICE) and HSI. This includes violations of law regarding importation of unregistered firearms into the United States, contrary to law in violation of 18 United States Code, Section 545.

5. The information set forth in this affidavit is based upon my participation in this investigation, review of law enforcement reports, my discussions with other law enforcement officers, and my experience and training. The recitation of facts contained in this affidavit is not meant to be a complete narrative of all that has occurred in connection with this investigation but is only a summary of facts.

PROBABLE CAUSE

6. HSI became aware of an influx of machine gun parts shipments designed to convert semi-automatic Glock pistols into fully automatic machineguns. These shipments are being smuggled in international mail and have been falsely manifested. Examination of several parcels has yielded positive results for the machine parts. These machine parts, even in the absence of a Glock pistol, are considered prohibited items under the National Firearms Act (NFA), 26 USC 5845(a), defined, in pertinent part, as “any part designed and intended to solely

and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.

7. On September 7, 2021, while conducting an enforcement examination of mail at the JFK Mail Branch, Custom and Border Protection (CBP) intercepted a parcel # RR130641751RU addressed to “Mikal Keller Mikes Repair” at 897 McKinley Ave, Akron, Ohio 44306. The package was an international shipment from Gorg Udimenkoe at Proletarkaya 96-32, Kaluga 248016, Russian Federation and manifested as “Parts for motorcycle”.

8. CBP Officers utilized the Border Search/Extended Border Search Authority which they possess, authorized by Title 19 United States Code, Section 1467 and Title 19 Code of Federal Regulations 162.6, which states that all persons, baggage and merchandise arriving in the Customs territory of the United States from places outside thereof are subject to inspection, to conduct the examination.

9. The examination found the parcel to contain a metal part later identified as a device that converts a Glock manufactured pistol into a fully automatic Auto Switch which is a prohibited device under the National Firearms Act (NFA), 26 USC 5845(a). The parcel was seized for Unlawful Importation of Firearms/Ammunition pursuant to 18 USC 981(a)(1)(A), 18 USC 1956(c)(7)(D), and 18 USC 922(1).

10. On September 7, 2021, Special Agent (SA) Matthew Kampman, acting as the assigned Duty agent for Homeland Security Investigations (HSI) Cleveland office, was contacted by the HSI office covering the JFK International Mail Facility, who notified SA Kampman of the aforementioned seizure. HSI Cleveland accepted the parcel for an attempted controlled delivery.

11. During a prior investigation of an imported Glock Auto Switch, HSI contacted Glock, Inc. On March 6, 2019, Amanda Kimmel, a Paralegal for Glock, stated that Glock does

not manufacture parts used to convert a semi-automatic Glock pistol into firing in full automatic fashion. Ms. Kimmel also stated that Glock is aware of the selector switches offered for sale on sites such as Ebay and they are working with Ebay to remove those ads as soon as the items are offered for sale. Ms. Kimmel also stated that Glock only produces one model capable of firing in full automatic with a selector switch that is built as part of a pistol slide, and not as an additional part. She also stated that the weapon is only sold directly to law enforcement agencies or branches of the U.S. Military and is a highly restricted item. The items in question are aftermarket devices and are not authorized or endorsed by Glock. In addition, the Glock logo nor the Glock name is authorized for use on aftermarket parts.

12. On September 10, 2021, a search conducted by the (U.S. Postal Inspection Service (USPIS) revealed that twelve (12) international parcels from China have been delivered to the SUBJECT PREMISES.

13. On September 13, 2021, Alcohol Tobacco, Firearms, and Explosives SA Joshua Snyder was asked to inspect the device recovered from the parcel. SA Snyder, in the course of his official duties, has, on numerous occasions, inspected, tested and/or fired Glock brand handguns. Additionally, SA Snyder is an authorized Glock armorer. Based on his training and experience, SA Snyder stated the purpose of the device is to interrupt or alter the normal cycle of operation of a Glock brand semi-automatic handgun, with the intent of having a Glock handgun fire more than one round with a single pull of the trigger. This determination confirms that the device in the parcel is a prohibited device under the National Firearms Act (NFA), 26 USC 5845(a).

14. HSI Cleveland conducted records checks on the 897 McKinley Avenue, Akron, OH 44306, which indicated that Mikal Jamal KELLER resided at the subject premises. A

criminal history records check revealed that Mikal Jamal KELLER was convicted of Burglary, a felony of the second degree, in the Summit County Court of Common Pleas, in Case Number CR-2016-07-2361. KELLER is therefore prohibited from possessing a firearm pursuant to Title 18, United States Code, Section 922.

15. On September 14, 2021, your Affiant obtained a Federal Anticipatory Search Warrant executable should the parcel go into 897 McKinley Ave, Akron, OH 44306 and the parcel is opened inside the residence. U.S. Magistrate Judge Carmen E. Henderson authorized the warrant.

16. HSI Cleveland Border Enforcement Security Team (BEST) replaced the Glock Auto Switch into the parcel and outfitted the subject parcel with electronic monitoring equipment which would alert law enforcement as to the location of the subject parcel as well as indicate when the parcel was opened.

17. At approximately 12:43 PM, HSI Cleveland BEST with cooperation with the U.S. Postal Inspection Service (USPIS) delivered the subject parcel to 897 McKinley Ave, Akron, OH 44306. A female, later identified as Taya DAVIS, opened the door, accepted the subject parcel and brought it inside the residence.

18. At approximately 12:45 PM, the electronic surveillance equipment indicated the parcel was opened.

19. At approximately 1:00 PM, BEST agents with the assistance of the ICE Enforcement and Removal Operations (ERO) Special Response Team (SRT) executed the aforementioned federal anticipatory search warrant. SRT members encountered only DAVIS, present in the residence at the time of the warrant.

20. The following items were recovered during the search warrant:

- A Glock 19 pistol serial number BGUM200 loaded with 9mm rounds in an extended magazine;
- An additional loaded Glock compatible magazine;
- A conversion kit that transforms a Glock pistol into a short, barreled firearm capable of “shouldering” the weapon (a brace that allows the weapon to be placed in the shoulder or strapped to the arm for stability);
- Four additional Glock compatible magazines;
- Glock handgun case (listing the serial number of a different Glock not recovered);
- A laptop computer belonging to DAVIS but known to be used by KELLER;
- Miscellaneous documents including mail addressed to KELLER;
- The original parcel and its contents recovered from the living room.

21. A search in the National Crime Information Center indicated the Glock 19 serial number BGUM200 was reported stolen to the Peninsula Police Department in December 2020.

22. During the execution, DAVIS waived her “Mirada” rights and consented to an interview with Special Agent (SA) Michael Thomas and Task Force Officer (TFO) Anthony Eddleman.

23. DAVIS stated KELLER is her boyfriend and he lives at 897 McKinley Ave, Akron, OH.

24. DAVIS stated she knew KELLER had been waiting for the package and told DAVIS it was a “switch” for his gun. DAVIS stated KELLER ordered the switch for his gun and KELLER had told DAVIS the switch was stuck in Customs for a long time.

25. DAVIS stated she called KELLER to let him know the parcel had arrived and KELLER told her to open the parcel. DAVIS later specified that the call was on Facetime where KELLER could see the switch.

26. On September 15, 2021, KELLER responded to the HSI Cleveland office consenting to an interview with your Affiant and Task Force Officer (TFO) Matt Saurer. KELLER waived his “Mirada” rights at the onset of the interview.

27. KELLER stated he had previously been arrested for Burglary in 2016 however he received probation and did not serve jail time.

28. KELLER stated he was expecting a package of gun parts that he ordered from a Snapchat advertisement

29. KELLER stated he purchased the gun (Glock 19) off the street for protection approximately two years ago and the extended magazine came with it.

30. KELLER stated he knew that there were prohibitions against him going to a gun range to shoot because he is a felon, so he has never shot the gun. KELLER stated he knew he was prohibited to possess a firearm but purchased it for protection following a home invasion where marijuana and jewelry were stolen from the house he was living.

31. KELLER stated he clicked on an advertisement in snapchat for the switch approximately one month age. KELLER stated he used a prepaid Reliant Debit card to purchase the part for \$50-\$60, his personal information (like his address, phone number, and debit card number) was already loaded into Snapchat.

32. When asked if he knew what the part's purpose was, KELLER initially deflected and stated the advertisement didn't say what it did, it was just a picture. When asked again about the purpose of the part, KELLER stated he didn't fully know what it did but he liked guns and knew a little bit.

33. KELLER stated he spoke to DAVIS who told him she received something in the mail. KELLER claimed he told DAVIS not to open it, but he figured she would open it because she is nosey and usually opens his packages.

34. KELLER acknowledged purchasing the conversion kit recovered from the house.

CONCLUSION


36. Based upon the foregoing facts, there is probable cause to believe Mikal KELLER committed a violation of Title 18, United States Code, Section 545, Importation of unregistered firearms into the United States, contrary to law; Title 18, United States Code, Section 542, entry of goods by means of false statements; Title 18 United States Code, Section 922(a)(1)(A), importing unauthorized firearms; and Title 18 United States Code, Section 922 (g), prohibited person in possession of a firearm.



Michael Thomas
Special Agent
Homeland Security Investigations

SUBSCRIBED AND SWORN TO ME THIS 18th DAY OF NOVEMBER 2021 VIA TELEPHONE AFTER SUBMISSION BY RELIABLE ELECTRONIC MEANS. FED. R. CRIM. P. 4.1 AND 41(d)(3).





George J. Limbert
UNITED STATES MAGISTRATE JUDGE